IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CONTEMPT PETITION NO.274 OF 2002

In

WRIT PETITION NO.5264 OF 1996

Shri A.Y.Mutawali & Anr. : Petitioners

V/s.

The State of Maharashtra & Ors. : Respondents

(Contemnors)

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Mr.R.G.Ketkar with Mr.R.S.Khadapkar for the petitioners.

Mr.D.A.Patil, Asstt. Govt. Pleader for respondent nos.1 to 3 & 15.

Mr.P.B.Deo for respondent nos.4,13 & 14.

Mr.R.S.Apte i/b. Mr.A.R.Gole for respondent nos.7, 11 & 12.

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CORAM : S.A.BOBDE, J.

DATE : SEPTEMBER 11, 2007.

P.C.

1. The petitioners are helpers who had approached this Court for relief against the respondent-management. This Court had passed an order dated 24.12.1996 restraining the management from transferring and terminating their services.

2. However, the petitioners were terminated on 4.12.2001 because Smithi classes were discontinued. Apparently,

upon realising the mistake, they were taken back in service and they were reinstated in service with effect from 3.8.2002. The petitioners' grievance is that the respondent-management is guilty of acting contrary to the order of this Court. However, the respondents have stated on oath that that was a mistake and they have tendered their unconditional apology. Equally important it seems is that they were taken back as Helpers on duty with effect from 7.6.2007. There is no dispute about this. Mr.Ketkar, the learned counsel for the petitioners, pointed out that in the meanwhile, the respondents wrongly shown the petitioners as having stopped working from 25.10.2002 and 25.3.2006, respectively. There is a dispute about this fact. The learned counsel for the petitioners, however, reserved the petitioners' right to claim salary in respect of the period when the petitioners were allegedly shown as absent, even though, in fact, they were not allowed to join. Such liberty is reserved to the petitioners for agitating in Contempt Appeal No.9 of 2006. However, as regards the main allegation of contempt, it seems appropriate, in the interest of justice, to accept the unconditional apology tendered by the respondents. The said apology is hereby accepted and the notice is discharged.

3. This Contempt Petition stands disposed of.

S.A. BOBDE, J.